

# **PLANNING COMMISSION MINUTES**

**May 3, 2023**

**7:00 PM**

**Jamestown Town Hall**

**93 Narragansett Ave.**

## **I. Call to Order and Roll Call**

The meeting was called to order at 7:02pm and the following members were present:

Michael Swistak – Chair

Duncan Pendlebury – Vice Chair

Mick Cochran

Rosemary Enright - Secretary

Diane Harrison

Bernie Pfeiffer

Dana Prestigiacomio

Also present:

Lisa Bryer, AICP – Town Planner

Carrie Kolb – Planning Assistant

Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca

Jeff Davis, Horsley Witten

## **II. Citizen's Non-Agenda Item - none**

## **III. Correspondence**

1. Memos to Zoning Board for High Groundwater Table and Impervious Overlay District Sub-district A

A. Mizzen Mast Properties, LLC: AP 15, Lot 243; 32 Mizzen Avenue, Jamestown, RI

B. Gwendolyn Lupinek and Franklin Chew, AP 1, Lot 332, 6 Middle Street, Jamestown, RI

Correspondence recognized as received.

## **IV. New Business**

1. No items at this time

## **V. Old Business**

1. Zoning Ordinance Update review, discussion and/or action and/or vote

- a. Discussion of possible amendments based on comments and discussion from March 15 and April 19 workshops. Review, discussion and/or action and/or vote

Bryer provided a memorandum to the Planning Commission for issues raised that need further discussion. She described the memo as a running tally of what has been discussed and one or two items that were not discussed, but brought to her attention.

Davis said that after the meeting he will update all the necessary documents with changes made and the Planning Commission will be given a clean version of the Zoning Ordinance.

Bryer said that the final Zoning Ordinance, once approved by Planning Commission, will go to the Town Council with a memorandum.

Review and discussion of the memo:

1. Jamestown Center Design Guidelines: Should the design guidelines have strong language for Planning Commission to use? Should the design guidelines apply to all development or just new development?

Davis said that the same language in design guidelines should apply to multi-family dwellings.

Discussion ensued for all development. A question was raised if there can be a request for hardship if the design guidelines could not be met in an “all development” situation. Davis said that he has both language and reasons why the planning commission could grant an exception, which he will share with Bryer. Bryer said if all development requires design guidelines, then monthly scheduled Technical Review Committees would need to be held with rotating Planning Commission members attending. Solicitor Brochu cautioned on potential overreach and said there were arguments over windows and shingles in the past. He said that in Zoning you want to be clear if something is required and recommendations should be clear as well.

Pendlebury noted that the character of Jamestown is the reason for our design guidelines. The character of Jamestown is always discussed, but there needs to be clear standards that can be applied across the board and a system of exceptions that the Planning Commission can rely on for guidance. Bryer asked the commissioners to review article 1106 C.3 for development on undersized lots as an example of general guidance that relies on the design guidelines but has flexibility. This can be discussed further at another meeting. Davis and Bryer will get together to discuss recommendations.

2. Glossary of Acronyms: Horsley Witten group will prepare the glossary
3. Solar in the front yards: Accessory Structures are not prohibited in front yards, but may be permitted in front yards through a special use permit only on waterfront, through lots, and corner lots.
4. Underground storage tanks (UST) in front yards: The question of “why” was raised. A reason previously discussed was they are often mounded. There are properties that have

UST, are they grandfathered in? Yes, existing UST would be grandfathered in.

Commissioner Cochran brought up the fact that UST are difficult to find in an emergency situation when in a side yard or back yard. Davis thought that Commissioner Pendlebury made the initial request. Commissioner Pendlebury said that his intent is for no above ground tanks in the front yard. The language will be changed to no above ground tanks in the front yard.

5. Fish ponds: add to Sec. 82-703 Swimming Pools and Tennis Courts that fencing is required for swimming pools as well as “any other in-ground man-made water feature more than two feet deep with an impervious bottom.”
6. Residential Storage Containers: It is not permissible for the Town to regulate content of what is painted on the side of a storage container. What can be regulated is the location, size and duration of such containers. Davis said that issues get raised when a neighbor calls to complain.
7. Contractor Signs: They have the same standards as realtor signs. They may not exceed 8 square feet and must be removed within 7 days of the completion of the project (or sale/lease of the property).
8. Flashing Signs and LED Signs: Are included in the definition of animated signs, which are prohibited, with the exception of clocks or barber polls.
9. Neon Signs: Allowed in commercial use and up to 3 neon signs are allowed in addition to a regular signage. A question was raised, when does paint/murals become a sign? Davis answered that there is no definitive answer. If it advertises a business it should comply with the size requirements.
10. Bed and Breakfast Parking: one parking space per unit is required and that includes the owner’s unit.
11. Outbuildings: Outbuildings has been deleted because it is not defined and only referred to in the Accessory Dwelling Unit definition.
12. Wind Energy Facilities Applicability: This matter had not been discussed previously. Questions to consider: Should wind energy apply to all detached residential scale exceeding 50 feet, utility-scale and on-site wind energy systems? The example of a windmill that is attached to a building or under 50 feet would not apply. Should the ordinance apply to all facilities? Should stand alone/primary uses apply?

Discussion ensued regarding noise of wind turbines. There was a wind turbine on top of a building that was noisy and there was discussion about it in town in the past. There is nothing that keeps someone from making their own wind turbine and that could be very noisy. Solicitor Brochu said that marine unit generators that are put on houses are very noisy.

Discussion of use and standards ensued. Wind turbines should not be allowed in a front yard. Solicitor Brochu said if wind turbines are allowed as a primary use, then a commercial use is allowed in a residential zone. Solar and Wind should be for accessory use not commercial/more than is used on site. Davis said that he will write section for accessory use and apply the same standards as solar. Commercial solar and wind facilities will be removed from residential districts, OS districts and commercial districts.

13. Table 15-2 on Conservation Development: The cross references for the table were corrected. Bryer questioned the note in #1: "The Planning Commission may authorize modifications to the lot width as provided in Sec 92-602.4 of this Ordinance." Solicitor Brochu will review and report at the next meeting.
14. Is a flag a sign? The number of flags and the size of flags can be regulated. Davis advised the Planning Commission not to include flags in the sign section. Solicitor Brochu said that the topic area could be addressed in the Code of Ordinances, this way it would not be included in Zoning. It was decided to leave flags out of the sign ordinance.
15. Can sandwich boards be in the public right of way? Bryer said that the Town does allow sandwich boards in the right of way by permit.
16. Storage of fishery equipment: This item will be kept as drafted.
17. Need to ensure design guidelines are applied to multi-family structures. The same language used for development within the Village District should be applied to multi-family structures to be consistent. This item can be removed as it is a duplicate.
18. Stormwater Requirements: The Operations and Maintenance (O&M) Plans shall be recorded with the final approval from Zoning. Solicitor Brochu said that the Planning Commission Memo and O&M plans being recorded is key. The issue of raising the 10 year storm requirement in the High Groundwater Table Ordinance was discussed. Bryer said that a majority of the lots are undersized in the overlay district and they can meet the requirements for a 10-year storm, but generally not a 25-year storm. The question was raised if all new build or significant alternations should be required to have stormwater mitigation plans. This will be discussed further at another meeting.
19. Concern for farms and forested area being turned into solar and specifically ground mounted solar: Keep solar as an accessory use, unless it is on public land.
20. Should cisterns be regulated like underground storage tanks? The recommendation is no.
21. Compact Cottage Development: Look at the permissible districts allowed in: RR20, RR 8 CD and CL. Not allowed in RR 200, RR 80 and RR 40. Solicitor Brochu advised against allowing in sections where you do not want it, saying if you allow by right, then assume it will go there. Davis said there are open space and parking requirements. Bryer said that a

compact cottage development would go through planning as a major development. Comment that the town should not make it too hard for permitting.

Discussion over resources ensued. Davis said that language can be added that does not allow a compact cottage development on well water and OWTS but it makes more sense to remove it from RR-200 and RR-80 districts and allow it in the CD district.

Discussion ensued over Short-Term Rentals. Language would need to be added to the Short-Term Rental Ordinance that compact cottage developments cannot be used as short-term rentals. This should be in the short-term rental ordinance not in Zoning.

22. Amend Table 6-1 to read: “Park and recreation use, including skateboard or ice rinks and playgrounds together with buildings, ancillary to the park use, such as bathrooms, educational space and storage.”.

- b. Recommendation to the Town Council to hold a public hearing and for approval of the Zoning Amendments - Review, discussion and/or action and/or vote

Bryer said that the Planning Commission will look at the Zoning Ordinance Updates one more time in late June or July.

## **VI. Reports**

1. Planner’s Report
  - A. Future meetings – topics and applications

Bryer said the June 7, 2023 meeting will be cancelled. Meetings will be held on May 17, June 21 and July 5.

There will be 2023 CDBG hearings scheduled in June, and Bryer will let the commission know when they are scheduled. The Planning Commission will review the projects and the consistency with the Comp Plan.

Bryer told to the commission that there is an application for cell tower at 90 Carr Lane to use a portion of the land. There will be TRC on May 10<sup>th</sup>. The application needs a Special Use Permit for being in an RR 200, per article 8 in watershed district and the applicant has submitted a whole stormwater plan. The Planning Commission will make a recommendation to Zoning Board.

## **VII. Approval of Minutes – review, discussion and/or action and/or vote**

1. April 19, 2023

A motion was moved by Commissioner Enright and seconded by Commissioner Cochran to approve the minutes from the April 19, 2023 meeting as amended. All in favor.

Page 10: #5: change to “forested areas” and “solar developments:

Page 10: #5: “Brochu said ~~that we can have commercial solar in residential area,~~ and if it is allowed by right then it can go there.”

Planning Commission Minutes

May 3, 2023

Page 6 of 6

Page 11: #1: change “need” to “needs” in “There needs to be enough land...”

Page 11: Davis paragraph: He asked the commissioners to gather all their thoughts, ~~Jeff~~ a good agenda item ~~“do you feel differently”~~ and have another round of options...:

**VIII. Adjournment**

A motion to adjourn at 8:58pm was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.